

REMARKS

This communication responds to the Office Action mailed on May 5, 2004. No claims are amended, no claims are canceled, and no claims are added. As a result, claims 20, 22, 24, 26, 28, 32, 34, and 37 are now pending in this Application.

§102 Rejection of the Claims

Claims 20, 22, 24, 26, 28, 32, 34 and 37 were rejected under 35 USC § 102(e) as being anticipated by Watanabe et al. (U.S. 6,329,988, hereinafter “Watanabe”). For the reasons stated below, this rejection is respectfully traversed.

As can be seen from the attached affidavit by the sole inventor, John D. Miller, the invention was conceived at least as early as March 23, 1998. The earliest date available for Watanabe, based on foreign application priority data, is May 25, 1998. Thus, a *prima facie* case of anticipation under § 102(e) can not be based on Watanabe.

In light of the attached affidavit, the Applicant respectfully traverses this rejection under § 102(e). Since Watanabe is not available for use a prior art against the instant Application, the Applicant respectfully requests the rejection under 35 U.S.C.102(e) be reconsidered and withdrawn.

CONCLUSION

The Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone the Applicant's attorney Mark Muller 210-308-5677, or the below-signed attorney at (612) 349-9592, to facilitate prosecution of this Application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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Date Aug 5, 2004

By Ann M. McCrackin
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5 day of August, 2004.

KACIA LEE
Name

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Signature